

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICARDO BANUELOS,

Defendant.

2:07-CR-137 JCM (RJJ)

**ORDER**

Presently before the court is the United States of America's motion for leave to file a late response. (Doc. #107).

On May 25, 2012, this court ordered the United States to respond to petitioner Ricardo Banuelos' 28 U.S.C. § 2255 motion to vacate sentence on or before June 21, 2012. (Doc. #105). The United States failed to file a response by this deadline. Accordingly, on July 18, 2012, petitioner filed a notice asserting that the United States had failed to file an opposition. (Doc. #106).

The United States filed the instant motion for leave to file a late response on July 23, 2012. (Doc. #107). The motion alleges that counsel for the United States never received electronic notice of this court's May 25, 2012, order to respond. Further, counsel for the United States asserts that he did not become aware of this court's order to respond until he received a hard copy of petitioner's notice on July 23, 2012. (Doc. #107).

Counsel for the United States spoke with the clerk's office, and determined that the clerk's office mistakenly terminated counsel for the United States as counsel of record after this court denied

1 petitioner's first 28 U.S.C. § 2255 motion. Therefore, counsel for the United States asserts that the  
2 failure to file an opposition by the deadline was not due to any failure or fault of the United States  
3 attorney's office. (Doc. #107).

4 The United States requests (1) that this court grant its motion for leave to file a late response,  
5 and (2) that this court order that the United States file its opposition on or before August 7, 2012.  
6 (Doc. #107).

7 Good cause appearing,

8 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of  
9 America's motion for leave to file a late response (doc. #107) be, and the same hereby is,  
10 GRANTED.

11 IT IS FURTHER ORDERED that the United States file its opposition on or before August  
12 7, 2012. Petitioner may file a reply by September 7, 2012.

13 DATED July 24, 2012.

14  
15   
16 **UNITED STATES DISTRICT JUDGE**